



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We Protect Hoosiers and Our Environment.

Mitchell E. Daniels, Jr.
Governor

Thomas W. Easterly
Commissioner

100 North Senate Avenue
Indianapolis, Indiana 46204
(317) 232-8603
Toll Free (800) 451-6027
www.idem.IN.gov

May 26, 2011

Mr. Mike Boyd
Boyd and Sons Construction, LLC
1312 East County Road 200 North
Washington, Indiana 47501

Dear Mr. Boyd:

Re: NPDES General Permit No. ING040247
AML Site 232- Bennett Highwall
1.23 miles east of CR 500 S and SR 159
intersection
Dugger, Indiana
Greene County

This agency received your September 2, 2010, request from Mr. Kenneth D. Keys II, of your offices, on your behalf, on March 17, 2011. In this correspondence Mr. Keys stated that all work at the above-referenced site had been completed, and asked that NPDES permit ING040247 be closed out. Our office has confirmed with Mr. Mark Stacy of the Indiana Department of Natural Resources that this is the case. In view of this information our office concurs that a discharge permit is no longer needed.

Therefore, National Pollutant Discharge Elimination System Permit No. ING040247, issued on January 15, 2010, is hereby revoked effective 18 days from the mailing date of this letter.

Any party adversely affected or aggrieved by this decision may appeal by filing a petition for administrative review with the Office of Environmental Adjudication (OEA) within eighteen (18) days after the date of mailing of this letter. Any appeal request must be filed in accordance with IC 4-21.5-3-7 and must include facts demonstrating that the party requesting appeal is the applicant, a person aggrieved or adversely affected by this voidance or otherwise entitled to review by law. Pursuant to IC 13-15-7-3, this decision shall remain in effect pending a decision on any appeal that has been timely requested under the provisions of IC 4-21.5. The address is:

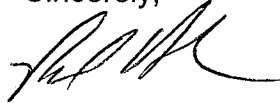
Office of Environmental Adjudication
Indiana Government Center North
100 North Senate Avenue, Room 501
Indianapolis, IN 46204

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You are reminded that any future discharge to waters of the state must be preceded by the submission of an NPDES application at least 180 days prior to the commencement of such discharge.

If you have any questions regarding this matter, please contact Ms. Sheri L. Jordan of my staff at 317/ 232-8703.

Sincerely,

A handwritten signature in black ink, appearing to read 'Paul Higginbotham', with a stylized, flowing script.

Paul Higginbotham, Chief
Permits Branch
Office of Water Quality

Slj/

cc: IDNR Division of Reclamation
Greene County Health Department

STATE OF INDIANA
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

PUBLIC NOTICE NO. 2011 – 5H -GP

DATE OF NOTICE: May 26, 2011

The Office of Water Quality issues the following **NPDES GENERAL PERMIT**.

TERMINATION

AML SITE 232 – BENNETT HIGHWALL, Permit No. ING040247, GREENE COUNTY, Dugger, IN. This permit is being terminated because there is no longer a discharge. Permit Writer: Sheri Jordan at 317/232-8703.

PROCEDURES TO APPEAL

General Permit documents are available for inspection at IDEM, Office of Water Quality/Permit Section, IGCN, 100 N Senate Ave, Indianapolis, IN, Room 1203, from 9 - 4, Monday-Friday (copies 10¢ per page). The General Permit is also available at the local Health Department. Please tell others you think would be interested in this matter.

Appeal Procedure: Any person affected by the issuance of the Final Permit may appeal by filing a Petition for Administrative Review with the Office of Environmental Adjudication within eighteen (18) days of the date of this Public Notice. Any appeal request must be filed in accordance with IC 4-21.5-3-7 and must include facts demonstrating that the party requesting appeal is the applicant; a person aggrieved or adversely affected or is otherwise entitled to review by law.

Timely filing: The Petition for Administrative Review must be received by the Office of Environmental Adjudication (OEA) within 18 days of the date of this Public Notice; either by U.S. Mail postmark or by private carrier with dated receipt. This Petition for Administrative Review represents a request for an Adjudicatory Hearing, therefore must:

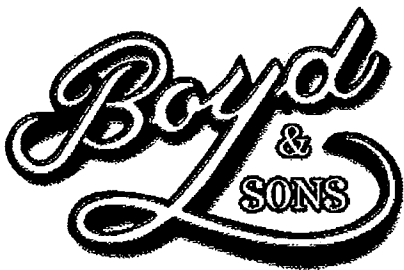
- state the name and address of the person making the request;
- identify the interest of the person making the request;
- identify any persons represented by the person making the request;
- state specifically the reasons for the request;
- state specifically the issues proposed for consideration at the hearing;
- identify the Final Permit Rule terms and conditions which, in the judgment of the person making the request, would be appropriate to satisfy the requirements of the law governing this NPDES Permit rule.

If the person filing the Petition for Administrative Review desires any part of the NPDES Final Permit Rule to be stayed pending the outcome of the appeal, a Petition for Stay must be included in the appeal request, identifying those parts to be stayed. Both Petitions shall be mailed or delivered to the address here:
Phone: 317/232-8591.

Environmental Law Judge
Office of Environmental Adjudication
IGC – North Building- Rm 501
100 N. Senate Avenue
Indianapolis IN 46204

Stay Time frame: If the Petition (s) is filed within eighteen (18) days of the mailing of this Public Notice, the effective date of any part of the permit, within the scope of the Petition for Stay is suspended for fifteen (15) days. The Permit will become effective again upon expiration of the fifteen (15) days, unless or until an Environmental Law Judge stays the permit action in whole or in part.

Hearing Notification: Pursuant to Indiana Code, when a written request is submitted, the OEA will provide the petitioner or any person wanting notification, with the Notice of pre-hearing conferences, preliminary hearings, hearing stays or orders disposing of the Petition for Administrative Review. Petition for Administrative Review must be filed in compliance with the procedures and time frames outlined above. Procedural or scheduling questions should be directed to the OEA at the phone listed above.



Boyd & Sons Construction, LLC

Phone: (812) 254-6858

Fax: (812) 254-2035

September 02, 2010

Indiana Department of Environmental Management
Office of Water Quality, Mail Code 65-42
100 North Senate Avenue
Indianapolis, IN 46204-2251

RE: AML Site 232 Bennett High-Wall
Water Discharging

To Whom It May Concern:

Please close out permit #ING040247 at the AML Site 232 Bennett High-Wall for Boyd & Sons Construction. All work has been completed regarding this project.

If you have any questions or concerns, please call me at (812) 254-6858.

Sincerely,

Sent via email to Catherine Hess on 3/17/2011

Kenneth D. Key II
Project Manager
Boyd & Sons Construction

2011 MAR 17 P 3:27
IDEM
OFFICE OF
WATER QUALITY

JORDAN, SHERI

From: Stacy, Mark A
Sent: Monday, March 21, 2011 3:43 PM
To: JORDAN, SHERI
Cc: Weinzapfel, Steve J
Subject: RE: AML Site 232- Bennett Highwall

Sheri,

I don't understand why you are just receiving this request now. Yes, all work at this site was completed on August 28, 2010, which is why you haven't received any monthly reports since. Please feel free to terminate this permit. Why you just received the termination request? I can't say. Thanks – Mark

Mark Stacy, CEP
Environmental Specialist
Indiana Department of Natural Resources
Division of Reclamation
Abandoned Mine Lands Program
14619 West State Road 48
Jasonville, IN 47438-9517
812-665-2207 (Office)
812-699-7966 (Mobile)

From: JORDAN, SHERI
Sent: Monday, March 21, 2011 2:38 PM
To: Stacy, Mark A
Cc: Huff, Todd A; JORDAN, SHERI
Subject: AML Site 232- Bennett Highwall

Hi Mark,

We've received a termination request for this site. The letter, which we received on March 17, 2011, was dated September 2, 2010, and we've not received a monthly report since then. Can you confirm that all work has been completed at this site, and that it's OK to void the permit? Also, for the purposes of Data Management and the missing monthly report forms, can you confirm when the work was completed?

Thanks Mark. Have a great day!

Sheri L. Jordan

General NPDES Permits Coordinator
IDEM Office of Water Quality
100 N. Senate Avenue
Indianapolis, IN 46204-2251

tel: 317/232-8703
fax: 317/232-8637